

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 1694.061PC01	<b>FOR FURTHER ACTION</b> <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. PCT/US04/08275	International filing date ( <i>day/month/year</i> ) 19 March 2004 (19.03.2004)	(Earliest) Priority Date ( <i>day/month/year</i> ) 21 March 2003 (21.03.2003)
Applicant JOULLIE, MADELEINE M.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the Report**

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.
2. ☐ Certain claims were found unsearchable (See Box No. II)
3. ☒ Unity of invention is lacking (See Box No. III)
4. With regard to the title,
- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established by this Authority to read as follows:

**5. With regard to the abstract,**

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

**6. With regard to the drawings,**

- a. the figure of the drawings to be published with the abstract is Figure No. \_\_\_\_\_
- ☐ as suggested by the applicant.
- ☐ as selected by this Authority, because the applicant failed to suggest a figure.
- ☐ as selected by this Authority, because this figure better characterizes the invention.
- b. ☒ none of the figures is to be published with the abstract.

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/0°

## Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:  
Please See Continuation Sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: 1-2 and 28-31 (Species [(2S)-Hiv2] didemnin M)

Remark on Protest

☐

The additional search fees were accompanied by the applicant's protest.

☐

No protest accompanied the payment of additional search fees

# INTERNATIONAL SEARCH REPORT

International application No. PCT/US04/08275

<b>A. CLASSIFICATION OF SUBJECT MATTER</b> IPC(7) : A61K 38/12, C07K 16/00, 17/00, 5/00, 7/00 US CL : 530/317 According to International Patent Classification (IPC) or to both national classification and IPC		
<b>B. FIELDS SEARCHED</b> Minimum documentation searched (classification system followed by classification symbols) U.S. : 530/317  Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched  Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) STN EAST		
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X --- Y	Liang et al. Total Synthesis of [(2S)-Hiv2]Didemnin M. J Org Chem 2000. Vol. 65, pages 4762-4765. See entire document, e.g., Figure 1.	1 ----- 2, 28-31
<input type="checkbox"/> Further documents are listed in the continuation of Box C. <input type="checkbox"/> See patent family annex.		
* Special categories of cited documents:		
"A"	document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E"	earlier application or patent published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L"	document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O"	document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family
"P"	document published prior to the international filing date but later than the priority date claimed	
Date of the actual completion of the international search 07 March 2005 (07.03.2005)		Date of mailing of the international search report <b>09 AUG 2005</b>
Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230		Authorized officer Marcela M Cordero Garcia Telephone No. (571) 272-1600

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US04/08275

### BOX III. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING

- I. Claims 1-34, drawn to a compound of Formula I
- II. Claims 35-36, drawn to a method of inhibiting, treating or preventing tumorigenesis or a growth of cancer cell
- III. Claim 37, drawn to a method of inhibiting or preventing protein synthesis
- IV. Claim 38, drawn to a method of enhancing apoptosis
- V. Claim 39, drawn to a method of providing immunosuppressive therapy

The inventions listed as Groups I-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The special technical feature (as defined by the first presented composition) is a compound of Formula I, which was a known compound at the time of the invention (see Liang et al. *J. Org. Chem.* 2000, 65, 4762-4765, attached). Since no special technical feature exists, there is no Unity of Invention. The remaining special technical features of the remaining Groups are distinct as described above.

In addition, this application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. The species are as follows: The multiple compounds as described in the exemplary embodiments of the specification (see e.g. pages 4-113) and the various methods of use (see, e.g., pages 41-46 and example 6)

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Pursuant to PCT Rule 13.2 and PCT Administrative Instructions, Annex B, Part 1(f)(1)(B)(2), the species are not art recognized equivalents.

Applicant is required, in reply to this action, to elect a single species [i.e. a single compound for which all the R substituents, W, X Y and Z (and any other) have been fully assigned to specific functional groups (see, e.g. claims 28-33) and a single method of treatment (from amongst those described in claims 35-39)].

The claims are deemed to correspond to the species listed above in the following manner:

Compound species: claims 1-34

Method of use species: claims 35-39

The following claim(s) are generic: 1 and 33.